

Town of Danville

32-72.21 Exemption for Economic Hardship.

- a. The Town Council may declare a designated heritage resource exempt from the requirements of this section if compliance with this section will cause immediate and substantial financial hardship. The owner or owner's representative must present evidence demonstrating the hardship.
- b. The Council shall hold a public hearing before deciding upon an exemption. Notice of the hearing shall be provided as set forth in subsection 32-28.9. If a hardship is found to exist, the Town Council shall make a written finding to that effect, specifying the facts and reasons relied upon. (Ord. #89-8, §8-5821)

City of Davis

Section 40.23.150 Showing of extreme hardship.

If the applicant presents evidence clearly demonstrating to the satisfaction of the historical resources management commission that failure to approve the application for an alteration permit will cause an immediate extreme hardship because of conditions peculiar to the particular structure or other feature involved, the commission may approve or conditionally approve such application even though it does not meet the standards set forth in section 40.23.090. In determining whether extreme hardship exists, the commission shall consider evidence which demonstrates:

- a. Denial of the application will diminish the value of the subject property so as to leave substantially no value;
- b. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in the zoning district;
- c. Utilization of the property for lawful purposes is prohibited or impractical;
- d. Rental at a reasonable rate of return is not feasible. (Ord. No. 1270, § 2 (part); Ord. No. 1784, § 1 (part).)

City of Fresno

13-402. Definitions.

- II. "Unreasonable Economic Hardship" shall mean facts and circumstances which establish that there are no feasible measures that can be taken which will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property in its current form.

Town of Los Gatos

29.80.300. Showing of hardship in cases of proposed alterations, demolitions or construction.

If the applicant presents facts clearly demonstrating to the satisfaction of the Planning Commission that failure to approve the application will work immediate and substantial hardship because of conditions peculiar to the particular structure or other feature involved, the Planning Commission may approve the application even though it does not meet the standards set forth in either the enabling or designating ordinance. (Ord. No. 1316, 4.86.190, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 2041, IV, 2-2-98)

City of Redondo Beach

10-4.402. Review procedures for certificates of appropriateness.

The following procedures shall be followed in processing applications for certificates of appropriateness.

- d. Economic hardship. In cases where the applicant intends to seek approval on the basis of economic hardship, the following material shall be submitted as part of the application:
 1. For all property:
 - a. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method;
 - b. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;

- c. Remaining balance on any mortgage or other financing secured by the property;
 - d. Estimated market value of the property both in its current condition, and after completion of the proposed demolition, relocation, or removal, to be presented through an appraisal by a qualified professional expert;
 - e. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;
 - f. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property;
 - g. The assessed value of the land and improvements thereon according to the two most recent assessments;
 - h. Real estate taxes for the previous two (2) years;
 - i. Annual debt service, if any, for the previous two (2) years;
 - j. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
 - k. All listing of the property for sale or rent, price asked and offers received, if any; and
 - l. Any consideration by the owner as to profitable adaptive uses for the property.
2. For income-producing property:
- a. Annual gross income from the property for the previous two (2) years;
 - b. Itemized operating and maintenance expenses from the previous two (2) years;
 - c. Annual cash flow, if any, for the previous two (2) years.

City of San Jose

13.48.260 Hardship.

- A. If the director or the council on appeal is unable to make the findings required under Section 13.48.240 for issuance of an HP permit, either with or without conditions, the director or the council on appeal may nevertheless issue an HP permit, either with or without conditions, if the director or the council on appeal finds that denial of the HP permit would cause immediate and substantial hardship on the applicant because rehabilitation in accordance with the chapter is infeasible from a technical, mechanical, or structural standpoint, or if the economics of rehabilitation in accordance with this chapter would require an unreasonable expenditure in light of the feasible uses of such property.
- B. Before a permit for removal, relocation, or demolition is granted under this section, the application may be suspended by the director or the city council on appeal for a period of up to one hundred eighty days in order that such steps may be taken as are reasonably likely to result in the preservation of the building or structure involved. These efforts may include consultation with civic groups, public agencies, and interested citizens, and the exploration of possible acquisition. (Prior code § 8963; 13.48.170; Ord. 20884.)

City of Santa Cruz

24.08.1070 Showing of Hardship in Cases of Proposed Material Change Construction.

The historic preservation commission may approve a landmark alteration permit to carry out construction, demolition, material change, or relocation of a landmark or in an historic district, if the applicant presents facts clearly demonstrating to the satisfaction of the historic preservation commission at the public hearing that failure to receive such approval will cause an immediate and substantial hardship. If hardship is found to exist under this section, the historic preservation commission shall make a written finding to that effect, and shall also specify in writing the facts relied upon in making such finding. (Ord. 85-05 § 1 (part), 1985).

City of Santa Monica

9.36.160 Certificate of economic hardship.

- a. Application for a certificate of economic hardship shall be made on a form furnished by the Planning Division. An application shall be processed in accordance with the same procedures set forth in Sections 9.36.170 and 9.36.180 of this Code.

- b. The Landmarks Commission may solicit expert testimony or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:
1. Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Landmarks Commission for changes necessary for the issuance of a certificate of appropriateness. In connection with any such estimate, rehabilitation costs which are the result of the property owner's intentional or negligent failure to maintain the designated landmark or property in good repair shall not be considered by the Landmarks Commission in its determination of whether the property may yield a reasonable return to the owner.
 2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 3. Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition or removal; estimated market value after any changes recommended by the Landmarks Commission; and, in the case of a proposed demolition, estimated market value after renovation of the existing property for continued use.
 4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 6. If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 7. If the property is not income-producing, projections of the annual gross income which could be obtained from the property in its current condition, in its rehabilitated condition, or under such conditions that the Landmarks Commission may specify.
 8. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
 9. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 10. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
 11. Assessed value of the property according to the two most recent assessments.
 12. Real estate taxes for the previous two years.
 13. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
 14. Any other information considered necessary by the Landmarks Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- c. In considering an application for a certificate of economic hardship, the Commission shall consider all relevant factors. In order to grant a certificate of economic hardship, the Landmarks Commission must make a finding that without approval of the proposed demolition or remodeling, all reasonable use of or return from a designated landmark or property within a Historic District will be denied a property owner. In the case of a proposed demolition, the Landmarks Commission must make a finding that the designated landmark cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from such landmark or property to a property owner.

- d. Upon a finding by the Commission that without approval of the proposed work, all reasonable use of or return from a designated landmark or property within a historic district will be denied a property owner, then the application shall be delayed for a period not to exceed one hundred twenty days. During this period of delay, the Commission shall investigate plans and make recommendations to the City Council to allow for a reasonable use of, or return from, the property, or to otherwise preserve the subject property. Such plans and recommendations may include, but are not limited to, provisions for relocating the structure, a relaxation of the provisions of the ordinance, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.
- e. If, by the end of this one hundred twenty day period, the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a certificate of economic hardship approving the proposed work. If the Commission finds otherwise, it shall deny the application for a certificate of economic hardship and notify the applicant by mail of the final denial. (Prior code § 9610.5; added by Ord. No. 1590CCS § 1, adopted 7/23/91)